

106TH CONGRESS  
2D SESSION

# H. R. 5419

To amend the Public Health Service Act to establish a demonstration project at the National Cancer Institute to provide funding for research concerning the prevention, diagnosis, treatment, and cure for cancer.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2000

Ms. PRYCE of Ohio (for herself and Mrs. CAPPS) introduced the following bill;  
which was referred to the Committee on Commerce

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## A BILL

To amend the Public Health Service Act to establish a demonstration project at the National Cancer Institute to provide funding for research concerning the prevention, diagnosis, treatment, and cure for cancer.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Millennium Cancer  
5       Research Act”.

1 **SEC. 2. NATIONAL CANCER INSTITUTE DEMONSTRATION**  
2 **PROGRAM.**

3 Subpart 1 of part C of title IV of the Public Health  
4 Service Act (42 U.S.C. 285 et seq.) is amended—

5 (1) by redesignating section 417B as section  
6 417C; and

7 (2) by inserting after section 417A, the fol-  
8 lowing:

9 **“SEC. 417B. DEMONSTRATION PROJECT FOR MORE EFFEC-**  
10 **TIVE RESEARCH.**

11 “(a) **ESTABLISHMENT.**—The Director of the Insti-  
12 tute shall establish a demonstration project under which  
13 the Institute shall provide for the conduct of research  
14 through an infrastructure that fosters scientific creativity  
15 and increases fundamental biological understanding lead-  
16 ing to the prevention, diagnosis, treatment, and cure of  
17 cancer.

18 “(b) **AUTHORIZED ACTIVITIES.**—Under the dem-  
19 onstration project under subsection (a), the Director of  
20 the Institute shall—

21 “(1) establish efficient and cost-effective re-  
22 search processes and management practices that  
23 eliminate redundant business practices and provide  
24 for ongoing and rigorous oversight to ensure both  
25 quality management and quality science;

1           “(2) develop a management plan that outlines,  
2           in a clear and concise manner, the—

3                   “(A) improvements that will be made  
4                   under the demonstration project in the research  
5                   practices of the Institute;

6                   “(B) benefits to be achieved through such  
7                   improvements;

8                   “(C) required modifications to existing  
9                   rules and regulations that are necessary to  
10                  carry out the management plan; and

11                  “(D) processes that will be used to imple-  
12                  ment the required modifications;

13                  “(3) establish formal review, oversight, and  
14                  management control procedures to ensure the effec-  
15                  tive implementation and execution of the manage-  
16                  ment plan; and

17                  “(4) carry out the demonstration project using  
18                  amounts provided for the Institute under the annual  
19                  appropriations process.

20           “(c) AUTHORITY OF DIRECTOR.—To carry out the  
21           demonstration project under this section, the Director of  
22           the Institute shall have the following authority:

23                   “(1) HUMAN RESOURCES SYSTEM.—The Direc-  
24                   tor of the Institute shall, using the authority pro-  
25                   vided to the Director under this Act, as well as au-

1       thorities under section 207(f), carry out a 5-year  
2       pilot program under which the Director shall estab-  
3       lish a comprehensive competitive human resources  
4       system that complies with existing guidelines under  
5       title 42, Code of Federal Regulations, and applicable  
6       affirmative action requirements. In establishing such  
7       system the Director shall—

8               “(A) appoint individuals to provide services  
9       in furtherance of the mission of the Institute;

10              “(B) obtain the services of experts or con-  
11       sultants as determined necessary by the Direc-  
12       tor notwithstanding section 413(b)(5);

13              “(C) have the authority, notwithstanding  
14       limitations on full time equivalent personnel, to  
15       hire appropriate personnel, subject to the avail-  
16       ability of funds; and

17              “(D) have the authority, notwithstanding  
18       limitations on cost-sharing or duration, to exe-  
19       cute Intergovernmental Personnel Act Agree-  
20       ments under terms that are mutually agreeable  
21       to the Director of the Institute and the loaning  
22       or receiving employer.

23              “(2) TRANSACTIONS.—The Director of the In-  
24       stitute may enter into transactions (other than con-  
25       tracts, cooperative agreements, and grants) to carry

1 out basic, applied, and advanced research projects.  
2 The authority provided under this paragraph shall  
3 be in addition to the authority provided under sec-  
4 tions 405 and 413 to use contracts, cooperative  
5 agreements, and grants in carrying out such  
6 projects.

7 “(3) HIGH IMPACT, INNOVATIVE RESEARCH IN  
8 CANCER.—

9 “(A) IN GENERAL.—The Director of the  
10 Institute shall establish a program to encourage  
11 high impact, cutting edge research that will  
12 lead to future progress against cancer. Such  
13 program shall be designed to enable the Direc-  
14 tor to undertake research projects with max-  
15 imum flexibility and speed. The requirements of  
16 section 303 of the Federal Property and Ad-  
17 ministrative Services Act of 1949 (41 U.S.C.  
18 253), section 8 of the Small Business Act (15  
19 U.S.C. 637e), section 18 of the Office of Fed-  
20 eral Procurement Policy Act (41 U.S.C. 416),  
21 and sections 405 and 492 of this Act, and any  
22 regulations promulgated under such provisions  
23 of law, shall be waived with respect to critical  
24 research projects undertaken under the pro-  
25 gram authorized by this paragraph. Such pro-

1           gram shall be designed to enable the Director,  
2           as rapidly as practicable to—

3                   “(i) select new initiatives, after an ex-  
4                   peditious peer review with requisite exper-  
5                   tise, for further development and research;

6                   “(ii) identify partners and collabo-  
7                   rators for such initiatives;

8                   “(iii) select the appropriate funding  
9                   mechanism for such initiatives;

10                  “(iv) reprogram up to 2 percent of the  
11                  amounts appropriated to the National Can-  
12                  cer Institute to support such initiatives  
13                  and research; and

14                  “(v) make awards with respect to new  
15                  initiatives and research.

16                  “(B) REPORT.—The Director shall annu-  
17                  ally submit a report to Congress that identifies  
18                  those initiatives that were funded in the year  
19                  for which the report is being submitted under  
20                  subparagraph (A).

21                  “(C) USE OF EXPERTS.—In carrying out  
22                  this paragraph, the Director of the Institute  
23                  may, notwithstanding the Federal Advisory  
24                  Committee Act (5 U.S.C. App.), convene  
25                  groups, that may be composed of both Federal

1           and non-Federal employees, to obtain consensus  
2           advice or recommendations.

3           “(4) FUNDING.—The Director of the Institute  
4           may redirect within the National Cancer Institute,  
5           as necessary in a fiscal year, not to exceed 5 percent  
6           of the amount appropriated for the National Cancer  
7           Institute for such fiscal year. Such redirected funds  
8           shall be used for new, high priority initiatives.

9           “(5) GRANTS.—Notwithstanding the limitation  
10          under section 405(b)(2)(B), and any regulations im-  
11          plementing such provision, the Director of the Insti-  
12          tute may award grants and cooperative agreements  
13          to carry out initiatives under this subsection. The  
14          Director may not award a grant or cooperative  
15          agreement in an amount to exceed \$300,000 without  
16          obtaining a second level review by the National Can-  
17          cer Advisory Board.

18          “(6) COMPENSATION.—Notwithstanding any  
19          other provision of law, the Director of the Institute  
20          shall make a salary determination for senior con-  
21          tract research scientists employed at the Federally  
22          Funded Research and Development Centers of the  
23          Institute consistent with the salary levels applicable  
24          for staff of the Institute under titles 5 and 38,  
25          United States Code, and under this Act.

1           “(7) OTHER AGREEMENTS.—Notwithstanding  
2           the limitations contained in section 413(b)(6) and  
3           the Public Buildings Act of 1959 (40 U.S.C. 601 et  
4           seq.), the Director of the Institute may enter into  
5           agreements that maximize the operations and effi-  
6           ciency of the National Cancer Institute in fulfilling  
7           its mission.

8           “(d) REPORT.—The Director of the Institute shall  
9           annually prepare and submit to the Director of the Na-  
10          tional Institutes of Health a report concerning those ac-  
11          tivities carried out under this section that the Director of  
12          the Institute determines may have a potential benefit for  
13          other research activities carried out by the National Insti-  
14          tutes of Health.

15          “(e) TERMINATION.—The authority provided under  
16          this section shall terminate on the date that is 5 years  
17          after the date of enactment of the Millennium Cancer Re-  
18          search Act.”.

19   **SEC. 3. CONFORMING AMENDMENT.**

20          Section 406(h)(2)(A) of the Public Health Service  
21          Act (42 U.S.C. 284a(h)(2)(A)) is amended—

- 22               (1) in clause (iii), by adding “and” at the end;  
23               (2) by striking clause (iv); and  
24               (3) by redesignating clause (v) as clause (iv).

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